



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LIBERTY MEDIA HOLDINGS, LLC, a
California Corporation,

CASE NO. 10cv2395 WQH (RBB)
ORDER

Plaintiff,

vs.
ROONEY ROCKS, an alias; DOE
INDIVIDUALS 1-100; DOE
COMPANIES 1-100,

Defendants.

HAYES, Judge:

On September 13, 2010, Plaintiff filed the Complaint. (ECF No. 1). To date, a proof of service has not been filed for Defendant Rooney Rocks.¹

On October 31, 2011, this Court issued an Order stating:

Federal Rule of Civil Procedure 4 requires that a summons and complaint be served 'within 120 days after the complaint is filed.' Fed. R. Civ. P. 4(m). If a plaintiff fails to serve the summons and complaint within that time limit, the court may dismiss the action without prejudice after notice to the plaintiff. *Id.*

This Order constitutes notice to Plaintiff that the Court will dismiss this action without prejudice on or after **Monday November 21, 2011**, unless, no later than that date, Plaintiff files either (1) proof that service of the summons and complaint was timely effectuated or

¹ Plaintiff also named Spankwire, LTD and Manwin Canada as defendants; however, Plaintiff has voluntarily dismissed its claims against Defendants Spankwire, LTD and Manwin Canada.

1 (2) a declaration under penalty of perjury showing good cause for
2 failure to timely serve the Defendant with the summons and complaint
3 accompanied by a motion for leave to serve process outside of the 120
4 day period.

5 (ECF No. 6 at 1-2).

6 To date, Plaintiff has failed to file either proof that service of the summons and
7 complaint was timely effectuated or a declaration under penalty of perjury showing good cause
8 for failure to timely serve Defendant Rooney Rocks. Accordingly, this action is dismissed
9 without prejudice. The Clerk shall close the case.

10 **IT IS SO ORDERED.**

11 DATED: 11/21/11

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13 WILLIAM Q. HAYES
14 United States District Judge

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